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SALIWANCHIK LLOYD & SALIWANCHIK
A PROFESSIONAL ASSOCIATION
PO BOX 142950
GAINESVILLE FL 32614-2950

In re Application of
BATHURST et al.
Application No.: 10/535,609
PCT No.: PCT/GB2003/005049
Int. Filing Date: 20 November 2003
Priority Date: 20 November 2002
Attorney Docket No.: GJE-7631
For: COMPOSITION AND METHOD FOR
TREATING INFLAMMATORY DISEASES
USING PROTEASE INHIBITORS

DECISION

This is a decision on applicants' renewed petition under 37 CFR 1.47(a) filed 02 November 2007 in the United States Patent and Trademark Office (USPTO). The petition is DISMISSED as MOOT.

BACKGROUND

On 20 November 2003, applicants filed international application PCT/GB2003/005049, which designated the United States and claimed a priority date of 20 November 2002. A copy of the international application was communicated from the International Bureau to the USPTO on 03 June 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 20 May 2005.

On 19 May 2005, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 09 December 2005, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage were required.

On 12 June 2006, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a four month extension of time, the surcharge under

37 CFR 1.492(h), and two declarations of inventors.

On 02 April 2007, a decision was mailed dismissing applicants' petition under 37 CFR 1.47(a) without prejudice for failing to provide factual proof that the missing joint inventors refuse to execute the application or cannot be reached after diligent effort and for failing to provide a statement of the last known addresses of the missing inventors.

On 02 November 2007, applicants filed the instant renewed petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a five month extension of time and four declaration of inventors.

DISCUSSION

Since a 37 CFR 1.497 declaration has been executed by all the joint inventors, the petition for status under 37 CFR 1.47(a) is moot. The application need not be returned to the Office of PCT Legal Affairs for any further consideration of the status under 37 CFR 1.47 and no such status should be indicated on this application file.

The declarations of inventors filed 12 June 2006 and 02 November 2007 are in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **DISMISSED** as **MOOT**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459